From: Creswell, Michael [Creswell.Michael@epa.gov]

**Sent**: 1/20/2021 10:24:28 PM

To: Mcgill, Thomas [Mcgill.Thomas@epa.gov]; Gettle, Jeaneanne [Gettle.Jeaneanne@epa.gov]; Ghosh, Mita

[Ghosh.Mita@epa.gov]; Armor, Suzanne [Armor.Suzanne@epa.gov]; Pugh, Katherine [Pugh.Katherine@epa.gov];

Calli, Rosemary [Calli.Rosemary@epa.gov]

**Subject**: RE: question from Jeanine Bennett

## Ex. 5 Attorney Client (AC)

If you need me tonight, Tom call my cell phone.

From: Mcgill, Thomas < Mcgill. Thomas@epa.gov> Sent: Wednesday, January 20, 2021 5:18 PM

To: Gettle, Jeaneanne <Gettle.Jeaneanne@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael

<Creswell.Michael@epa.gov>; Armor, Suzanne <Armor.Suzanne@epa.gov>; Pugh, Katherine

<Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

Subject: RE: question from Jeanine Bennett

Importance: High

I just spoke with Jeaneanne about the draft response to Jeanine Bennett, and am taking another crack at the response based on her feedback (see below). I need help from the attorneys to Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

and I'm attaching the respective letters we issued to the Tribe on 12/16/20 and 12/17/20 for your reference. Please let me know if you have any comments or suggested revisions.

Thanks! Tom

\*\*\*\*\*\* draft response \*\*\*\*\*\*

## Ex. 5 Deliberative Process (DP)

From: Gettle, Jeaneanne < Gettle. Jeaneanne@epa.gov>

**Sent:** Wednesday, January 20, 2021 11:15 AM **To:** Mcgill, Thomas <a href="mailto:Mcgill.Thomas@epa.gov">Mcgill.Thomas@epa.gov</a>

Cc: Ghosh, Mita <Ghosh.Mita@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Armor, Suzanne

<Armor.Suzanne@epa.gov>; Pugh, Katherine <Pugh.Katherine@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>

Subject: Re: question from Jeanine Bennett

Hold on this I think we need to refine our answer.

Sent from my iPhone

On Jan 20, 2021, at 11:06 AM, Mcgill, Thomas <a href="mailto:Mcgill.Thomas@epa.gov">Mcgill.Thomas@epa.gov</a>> wrote:

cover

Please see Jeanine Bennett's question in her email below. I can share a response along the lines of the following but I would appreciate any comments or suggested revisions.

\*\*\*\*\*\* draft response \*\*\*\*\*\*

## Ex. 5 Deliberative Process (DP)

From: Jeanine Bennett < Jeanine B@miccosukeetribe.com>

**Sent:** Wednesday, January 20, 2021 9:07 AM **To:** Mcgill, Thomas < Mcgill, Thomas@epa.gov>

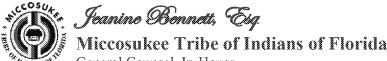
Subject: RE: Discussion and Feedback Received on the Executed Section 106 Programmatic Agreement

Regarding Florida's Assumption of a Section 404 Program

Tom,

Why is this letter being sent? Is this EPA's way of closing government to government consultation on Section 106?

Jeanine



General Counsel, In-House PO Box 440021

Miami, FL 33144

jeanineb@miccosukeetribe.com

O: 305,223,8380 Ext: 5211 F: 305,894,5212

From: Mcgill, Thomas < Mcgill. Thomas@epa.gov>

Sent: Tuesday, January 19, 2021 5:47 PM

To: Hope Lovemore <happel@miccosukeetribe.com>; Beverly Tiger <br/>
Kevin Donaldson <kevinD@miccosukeetribe.com>; Jeanine Bennett <br/>
JeanineB@miccosukeetribe.com>; Amy Castaneda <a href="AmyC@miccosukeetribe.com">AmyC@miccosukeetribe.com</a>; Gene Duncan <a href="GeneD@miccosukeetribe.com">GeneD@miccosukeetribe.com</a>; Lyanne Mendez <a href="LyanneM@miccosukeetribe.com">Lyanne M@miccosukeetribe.com</a>; Creig van der Heiden <a href="Lyannemagov">Craig V@miccosukeetribe.com</a>; Ghosh, Mita</a><a href="Micannemagov">Alloweetribe.com</a>; Creig van der Heiden <a href="Lyannemagov">Craig V@miccosukeetribe.com</a>; Ghosh, Mita</a><a href="Micannemagov">Alloweetribe.com</a>; Creig van der Heiden <a href="Micannemagov">Craig V@miccosukeetribe.com</a>; Ghosh, Mita</a><a href="Micannemagov">Alloweetribe.com</a>; Creig van der Heiden <a href="Micannemagov">Craig V@miccosukeetribe.com</a>; Ghosh, Mita</a><a href="Micannemagov">Alloweetribe.com</a>; Creig van der Heiden <a href="Micannemagov">Alloweetribe.com</a>; Armor, Suzanne</a><a href="Micannemagov">Alloweetribe.com</a>; Pugh, Katherine <a href="Micannemagov">Pugh, Katherine <a href="Micannemagov

**Subject:** Discussion and Feedback Received on the Executed Section 106 Programmatic Agreement Regarding Florida's Assumption of a Section 404 Program

Good afternoon.

Please see the attached signed letter from Jeaneanne M. Gettle, Director of the U.S. EPA Region 4 Water Division, regarding the discussions and feedback received on the executed Section 106 Programmatic

Agreement for Florida's Assumption of a Section 404 Program. If you have any questions please let us know.

Tom

Thomas McGill, Chief
Ocean, Wetlands & Streams Protection Branch
U.S. EPA Region 4, Water Division
61 Forsyth Street SW
Atlanta, GA 30303
Mcgill.thomas@epa.gov
404-562-9243